

AMENDED IN ASSEMBLY JUNE 8, 2006

AMENDED IN ASSEMBLY JULY 6, 2005

AMENDED IN ASSEMBLY JUNE 20, 2005

AMENDED IN SENATE APRIL 18, 2005

## SENATE BILL

**No. 246**

**Introduced by Senator Figueroa**

**(Coauthor: Senator Ortiz)**

*(Coauthors: Assembly Members Sharon Runner and Strickland)*

February 15, 2005

---

An act to amend Sections 6704, 6706.3, 6710, 6712, 6714, 6715, 6716, 6717, 6730, 6732, 6732.3, 6732.4, 6736, 6736.1, 6737.3, 6738, 6740, 6741, 6750, 6754, 6755.1, 6780, 6787, 8710, 8740, 8741, 8741.1, 8745, 8761, and 8764 of, to add Sections 6702.3, 6702.4, 6702.5, 6702.6, 6702.7, 6702.8, 6730.5, 6730.6, 6730.7, 6731.7, 6731.8, 6732.5, and 6746.1 to, and to repeal Sections 6704.1, 6737.2, and 8753 of, the Business and Professions Code, relating to professions and vocations; add Section 1648 to the Health and Safety Code, relating to human milk, and declaring the urgency thereof, to take effect immediately.

### LEGISLATIVE COUNSEL'S DIGEST

SB 246, as amended, Figueroa. ~~Board for Professional Engineers and Land Surveyors; engineers.~~ *Human milk.*

*Existing law provides that the procurement, processing, distribution, or use of human milk for human consumption constitutes the rendition of a service, and not a sale of the human milk for any purpose.*

*Existing law provides for the licensure and regulation of tissue banks by the State Department of Health Services.*

*This bill would require a hospital that collects, processes, stores, or distributes human milk collected from a mother exclusively for her own child to comply with specified standards until or unless the department approves alternative standards. It would also exempt a hospital from the tissue bank licensure and regulation requirements for the purpose of collecting, processing, storing, or distributing human milk collected from a mother exclusively for her own child. The bill would exempt from any screening test requirement human milk collected from a mother exclusively for her own child.*

*This bill would specify that it does not apply to any hospital that collects, processes, stores, or distributes milk from human milk banks or other outside sources.*

*This bill would declare that it is to take effect immediately as an urgency statute.*

~~Existing law establishes the Board for Professional Engineers and Land Surveyors in the Department of Consumer Affairs. Existing law requires the board to appoint an executive officer. Existing law authorizes the board to make and enforce rules and regulations that are reasonably necessary to carry out the provisions of law regulating land surveyors. Existing law provides that these provisions are to become inoperative and are repealed on July 1, 2006, and January 1, 2007, respectively.~~

~~This bill would instead make these provisions inoperative and repealed on July 1, 2012, and January 1, 2013, respectively.~~

~~Existing law recognizes various engineering disciplines. Existing law prohibits the practicing of civil, electrical, and mechanical engineering by any person who has not passed a specified examination and who is not appropriately licensed by the board in that discipline. With respect to other engineering disciplines, existing law prohibits persons other than those licensed by the board from using certain engineering branch titles.~~

~~This bill would eliminate the disciplines of agricultural, industrial, and metallurgical engineering. The bill would prohibit the practicing of chemical, control systems, fire protection, nuclear, petroleum, and traffic engineering by any person who has not passed a specified examination and who is not appropriately licensed by the board in the particular discipline. The bill would make other changes to related~~

provisions. This bill would also eliminate the temporary authorization process to practice as a professional land surveyor.

Existing law makes various violations of the Professional Engineers Act a crime, including the practice or offer to practice by a person of civil, electrical, or mechanical engineering without authorization as provided by the act. By revising this definition of a crime to include additional engineering disciplines, the bill would impose a state-mandated local program.

Existing law authorizes the board to hold examinations for persons seeking to be licensed by the board as engineers or land surveyors and to charge application fees.

This bill would also authorize the board to charge an examination fee, and would allow the board to make arrangements with a public or private organization for conduct of examinations and to receive payment of the examination fee.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

This bill would declare that it is to take effect immediately as an urgency statute.

Vote:  $\frac{2}{3}$ . Appropriation: no. Fiscal committee: yes.

State-mandated local program: ~~yes~~ no.

*The people of the State of California do enact as follows:*

- 1     SECTION 1. The Legislature finds and declares all of the
- 2     following:
- 3     (a) There is consensus among health care experts and
- 4     institutions that breastfeeding is the superior method of feeding
- 5     and nurturing infants.
- 6     (b) The American Dietetic Association states that “human milk
- 7     provides optimal nutrition to the infant, with its dynamic
- 8     composition and the appropriate balance of nutrients provided in
- 9     easily digestible and bioavailable form.”
- 10    (c) According to the American Academy of Pediatrics 2005
- 11    policy statement, “human milk is species-specific, and all
- 12    substitute feeding preparations differ markedly from it, making

1 human milk uniquely superior for infant feeding.” The policy  
2 statement also asserts that “research in developed and  
3 developing countries of the world, including middle-class  
4 populations in developed countries, provides strong evidence  
5 that human milk feeding decreases the incidence and severity of  
6 a wide range of infectious diseases, including bacterial  
7 meningitis, bacteremia diarrhea, respiratory tract infection,  
8 necrotizing enterocolitis, otitis media, urinary tract infection,  
9 and late-onset sepsis in preterm infants. In addition,  
10 postneonatal infant mortality rates in the United States are  
11 reduced by 21 percent in breastfed infants. Some studies suggest  
12 decreased rates of sudden infant death syndrome in the first year  
13 of life and reduction of insulin-dependent (type 1) and  
14 noninsulin-dependent (type 2) diabetes mellitus, lymphoma,  
15 leukemia, Hodgkin’s disease, overweight and obesity,  
16 hypercholesterolemia, and asthma in older children and adults  
17 who were breastfed, compared with individuals who were not  
18 breastfed.

19 (d) The American Academy of Pediatrics recommends that  
20 infants be exclusively breastfed for approximately six months  
21 before being introduced to complementary foods.

22 (e) Too few women in California exclusively breastfeed their  
23 infants in the early postpartum period, let alone in the first six  
24 months of life, as recommended by the American Academy of  
25 Pediatrics.

26 (f) There are also racial and ethnic disparities with regard to  
27 breastfeeding rates. While 61.8 percent (down from 64 percent in  
28 2001) of white women in California are exclusively breastfeeding  
29 in the hospital, only 40 percent of Asians, 27 percent of Pacific  
30 Islanders, 30 percent of African-American women, and 29  
31 percent (down from 30 percent in 2001) of Latinas are doing so.

32 (g) In “Breastfeeding: Investing in California’s Future,” the  
33 Breastfeeding Promotion Committee Report to the California  
34 Department of Health Services Primary Care and Family Health  
35 (1996) there was a finding that “... women look to health care  
36 providers for breastfeeding information and support; however,  
37 health care systems, policies, and personnel often unknowingly  
38 interfere with the initiation and continuation of breastfeeding.”  
39 This report also states that health care professionals are in a key  
40 position to effect breastfeeding success, and promotional efforts

1 *will be successful only if women who are encouraged to*  
2 *breastfeed encounter providers who are able to respond to their*  
3 *needs.*

4 *(h) Current California law inadvertently discourages the*  
5 *feeding of breast milk to infants in the hospital by requiring a*  
6 *hospital that permits a mother to store her milk in a hospital*  
7 *refrigerator to obtain and maintain a full tissue bank license.*

8 *(i) Hospitals that cannot complete the process for obtaining a*  
9 *full tissue bank license cannot legally allow a mother to store her*  
10 *milk in a refrigerator on the hospital premises.*

11 *(j) A mother whose infant is admitted to a hospital may not be*  
12 *able to be physically present to breastfeed the infant at each*  
13 *feeding time, and may wish to store her milk in a refrigerator or*  
14 *freezer on the hospital premises. Many hospitals wish to permit*  
15 *mothers to do this, but are unable to do so due to the lengthy and*  
16 *complicated process required to obtain a full tissue bank license*  
17 *from the State of California.*

18 *(k) It is the intent of the Legislature to adopt policies that*  
19 *promote and encourage the breastfeeding of all infants, including*  
20 *those who are hospitalized.*

21 *SEC. 2. Section 1648 is added to the Health and Safety Code,*  
22 *to read:*

23 *1648. (a) A hospital that collects, processes, stores, or*  
24 *distributes human milk collected from a mother exclusively for*  
25 *her own child shall comply with the most current standards*  
26 *established for the collection, processing, storage, or distribution*  
27 *of human milk by the Human Milk Banking Association of North*  
28 *America until or unless the department approves alternative*  
29 *standards.*

30 *(b) A hospital shall be exempt from the requirements of*  
31 *Chapter 4.1 (commencing with Section 1635) for the purpose of*  
32 *collecting, processing, storing, or distributing human milk*  
33 *collected from a mother exclusively for her own child.*

34 *(c) Notwithstanding any other provision of law, no screening*  
35 *tests shall be required to be performed on human milk collected*  
36 *from a mother exclusively for her own child.*

37 *(d) The department shall assess hospital processes for*  
38 *collecting, processing, storing, or distributing human milk*  
39 *pursuant to its current practice, as required by Chapter 2*  
40 *(commencing with Section 1250).*

1     (e) *This section does not apply to any hospital that collects,*  
2     *processes, stores, or distributes milk from human milk banks or*  
3     *other outside sources.*

4     SEC. 3. *This act is an urgency statute necessary for the*  
5     *immediate preservation of the public peace, health, or safety*  
6     *within the meaning of Article IV of the Constitution and shall go*  
7     *into immediate effect. The facts constituting the necessity are:*

8     *In order that needed statutory changes allowing hospitals to*  
9     *comply with specified standards for the collection, processing,*  
10    *storage, and distribution of human milk collected from a mother*  
11    *exclusively for her own child can be enacted at the earliest*  
12    *possible time, it is necessary that this act take effect immediately.*

13    ~~SECTION. 1. Section 6702.3 is added to the Business and~~  
14    ~~Professions Code, to read:~~

15  
16  
17     **All matter omitted in this version of the bill**  
18     **appears in the bill as amended in the**  
19     **Assembly, July 6, 2005. (JR11)**  
20